UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEUTSCHE BANK NATIONAL TRUST   :
COMPANY, solely in its capacity as Trustee :
for the MORGAN STANLEY   :
STRUCTURED TRUST I 2007-1,   :
                                :
                       : No. 14 Civ. 3020 (KBF)
        Plaintiff,   :
                                :
       - against -   :
                                :
MORGAN STANLEY MORTGAGE   :
CAPITAL HOLDINGS LLC, as Successor- :
by-Merger to MORGAN STANLEY   :
MORTGAGE CAPITAL INC.,   :
                                :
        Defendant.   :
                                :

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DECLARATION OF BRIAN S. WEINSTEIN IN SUPPORT OF
MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC'S
<u>MOTION FOR RECONSIDERATION</u>

      Brian S. Weinstein, pursuant to 28 U.S.C. § 1746, hereby declares:

      1.   I am an attorney admitted to practice before this Court, and I am a partner in the

law firm of Davis Polk & Wardwell LLP, counsel for defendant Morgan Stanley Mortgage

Capital Holdings LLC ("Morgan Stanley") in the above-captioned matter. I submit this

declaration in support of Morgan Stanley's motion for reconsideration pursuant to Local Civil

Rule 6.3.

      2.   Attached hereto as Exhibit A is a true and correct copy of the Notice of Motion

for Leave to Appeal to the Court of Appeals and the Affirmation of Agnès Dunogué in Support

of the Motion for Leave to Appeal to the Court of Appeals, excluding the appended exhibits,

filed by defendant Nomura Credit & Capital, Inc. with the First Department on or around

November 16, 2015 in the four appeals consolidated in <u>Nomura Home Equity Loan Inc., Series</u>

2006-FM2 v. Nomura Credit & Capital, Inc., No. 653783/12 (N.Y. App. Div. 1st Dep't).

       3.   Attached hereto as Exhibit B is a true and correct copy of the Brief for Defendant-Appellant filed with the Court of Appeals on or about March 4, 2016 in Nomura Home Equity Loan, Inc., Series 2006-FM2 v. Nomura Credit & Capital, Inc., No. APL-2016-00024 (N.Y.) ("Nomura II").

       4.   Attached hereto as Exhibit C is a true and correct copy of the Joint Brief for Plaintiffs-Respondents filed with the Court of Appeals on or about April 20, 2016 in Nomura II.

       5.   Attached hereto as Exhibit D is a true and correct copy of the Reply Brief for Defendant-Appellant filed with the Court of Appeals on or about May 5, 2016 in Nomura II.

       I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
            January 12, 2018

                                /s/ Brian S. Weinstein
                                Brian S. Weinstein